

ness and was, on the next day when such motion was again in order, withdrawn by unanimous consent.

On May 5, 1958,⁽¹¹⁾ which was a suspension day, the unfinished business was a motion to suspend the rules on which a second had been ordered on a previous day. The motion was withdrawn by unanimous consent:

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I ask unanimous consent to vacate proceedings under suspension of the rules held 2 weeks ago on the bill (H.R. 11414) to amend section 314(c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for the support of public or nonprofit educational institutions which provide training and services in the fields of public health and in the administration of State and local public health programs.

THE SPEAKER PRO TEMPORE: Is there objection?

There was no objection.

§ 13.23 A motion to suspend the rules and pass a bill may, by unanimous consent, be withdrawn after there has been debate on the motion and the Speaker has put the question on its adoption.

On May 6, 1963,⁽¹²⁾ Mr. Donald R. Matthews, of Florida, had of-

fered a motion to suspend the rules on which a second had been demanded and which had been debated. Speaker John W. McCormack, of Massachusetts, put the question on the motion that the House suspend the rules and pass the bill. Mr. Carl Albert, of Oklahoma, then asked unanimous consent that the motion to suspend the rules and pass the bill be withdrawn; there was no objection.

§ 14. Amendments to Propositions Under Suspension

The motion to suspend the rules may be used to pass a bill or resolution with additions, corrections, or deletions. In this situation, the proponent offers the motion "I move to suspend the rules and pass the bill with amendments." He transmits the copy of the bill, with the amendments included therein, to the Clerk. The bill and amendments proposed thereto (whether reported from committee or offered independently by the Member making the motion) are reported (usually by title only) and considered as one entity, and no separate vote is taken on the amendments.⁽¹³⁾ A motion to sus-

11. 104 CONG. REC. 8004, 85th Cong. 2d Sess.

12. 109 CONG. REC. 7815, 88th Cong. 1st Sess.

13. For the motion to pass a bill with amendments, see § 14.1–14.3, *infra*.

pend the rules and pass a bill with amendments is not, however, subject to amendment on the floor; and the proponent of the motion may not yield for amendment.⁽¹⁴⁾ If it is desired, after a motion to suspend the rules and pass a bill has been offered, to amend the proposition, it is necessary to withdraw the motion and reoffer it in a new form.⁽¹⁵⁾ The prohibition against offering amendments to propositions under suspension of the rules includes pro forma amendments and motions to strike the enacting clause.⁽¹⁶⁾

For reporting the motion, see §§ 14.4, 14.5, *infra*, and for the prohibition against a separate vote on amendments, see § 15.5, *infra*.

Usually the Clerk reports only the title of a bill brought up under suspension, whether or not amendments are part of the motion (although the full text is printed in the Record). The Chair may, however, direct the Clerk to report an amendment which has not been printed in the bill (see § 14.4, *infra*). See § 12.21, *supra*, where on a motion to suspend the rules and agree to a resolution amending a Senate amendment with an amendment consisting of text of a separate numbered House bill the Speaker considered the reading of the resolution itself to be sufficient.

14. See §§ 14.6, 14.7, *infra*.

15. See § 14.3, *infra*. For withdrawal of motions to suspend the rules which are under debate, see §§ 13.21–13.23, *supra*.

16. See §§ 14.11 and 14.12, *infra*.

Motion to Suspend Rules and Pass Bill With Amendment

§ 14.1 While it is not in order to offer an amendment to a bill being considered under a motion to suspend the rules, the Speaker may recognize a Member for a motion to suspend the rules and pass a bill with amendments.

On June 16, 1952,⁽¹⁷⁾ Speaker Sam Rayburn, of Texas, recognized for a motion to suspend the rules and pass a bill with amendments and overruled a point of order against the motion:

MR. [ROBERT L.] DOUGHTON [of North Carolina]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7800) to amend title I1 of the Social Security Act to increase old-age and survivors insurance benefits, to preserve insurance rights of permanently and totally disabled individuals, and to increase the amount of earnings permitted without loss of benefits, and for other purposes, with amendments that I send to the Clerk's desk.

MR. [CARL T.] CURTIS of Nebraska: Mr. Speaker, I make a point of order against the motion.

THE SPEAKER: Does the gentleman make a point of order against the motion to suspend the rules?

MR. CURTIS of Nebraska: Against the motion to suspend the rules and to offer an amendment. My point of order

17. 98 CONG. REC. 7287, 7288, 82d Cong. 2d Sess.

is that an amendment cannot be offered under a motion to suspend the rules.

THE SPEAKER: This rule has been in effect for a long time. As long as the Chair recognizes a Member to suspend the rules, and one in charge has the right to offer the motion to suspend the rules. A point of order would not lie in a case like that.

MR. CURTIS of Nebraska: Mr. Speaker, may I be heard?

THE SPEAKER: The Chair will be glad to hear the gentleman but will perhaps repeat the decision when the gentleman gets through.

MR. CURTIS of Nebraska: Mr. Speaker, I regret that situation very much and perhaps I should not take the time. I shall try to be brief.

It is my contention that the procedure to suspend the rules and pass a bill is that we must take the bill as is in a motion to suspend the rules and by the very nature of the limited time involved for debate the motion must be to pass without amendment.

There are two or three decisions that are reported in the Fifth Volume of Hinds' Precedents. I will not at this time refer to all of them, but I call attention to paragraph 5322 of Hinds' Precedents where it is stated in the caption:

The motion to amend may not be applied to a motion to suspend the rules.

THE SPEAKER: The Chair is ready to rule again.

Suspension of the rules is a matter that can come up only twice a month, either on the first and third Mondays, or the last 6 days of the session if an adjournment date has been fixed. There can be no amendment offered to

the motion to suspend the rules and pass a bill, but it is entirely in order for the Speaker to recognize a Member to move to suspend the rules and pass a bill with amendments and recognition for that is entirely within the discretion of the Chair. The Chair can recognize a Member to move to suspend the rules on the proper day and pass a bill with an amendment that has been authorized by a committee, or if the Chair so desires he can recognize a Member to move to suspend the rules and pass a bill with his own amendment.

The Chair overrules the point of order made by the gentleman from Nebraska.

MR. CURTIS of Nebraska: Mr. Speaker, a further parliamentary inquiry. Would it be possible to offer a substitute motion to suspend the rules in reference to the motion now before the Chair?

THE SPEAKER: Well, the Chair would not recognize the gentleman for that purpose.

MR. CURTIS of Nebraska: Perhaps I could induce another Member to offer the amendment.

THE SPEAKER: The Chair would not recognize any other Member to make that motion.

§ 14.2 Under a motion to suspend the rules and pass a bill with amendments it is not necessary for the mover to obtain approval of the amendments by the committee which reported the measure.

On July, 17, 1950,⁽¹⁸⁾ where a Member was recognized by Speak-

18. 96 CONG. REC. 10448, 81st Cong. 2d Sess.

er Sam Rayburn, of Texas, to move to suspend the rules and pass a bill with amendments, the Speaker discussed such procedure in response to parliamentary inquiries and ruled that the amendment brought up under the motion need not be authorized by the committee with jurisdiction:

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to facilitate the deportation of aliens from the United States, to provide for the supervision and detention pending eventual deportation of aliens whose deportation cannot be readily effectuated because of reasons beyond the control of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

THE SPEAKER: Is a second demanded?

MR. [EMANUEL] CELLER [of New York]: Unless a second is demanded on the other side, I shall demand a second, Mr. Speaker.

THE SPEAKER: Without objection, a second is considered as ordered.

There was no objection.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentlemen will state it.

MR. MARCANTONIO: The motion that was made was to pass the bill as amended. The amendments are a part

of the bill as reported by the committee, or what is the situation?

THE SPEAKER: There are some additional amendments.

MR. MARCANTONIO: Not reported by the committee?

THE SPEAKER: The Chair assumes that the gentleman from Pennsylvania who made the motion was authorized by the committee to make the amendments.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: Is this bill called up under a straight suspension of the rules?

THE SPEAKER: Yes.

MR. MICHENER: Was the motion that the bill be called up under suspension of the rules, together with amendments?

THE SPEAKER: That is correct.

MR. MICHENER: How many amendments? Under the rules, they must designate the amendments.

THE SPEAKER: The Chair understands there are committee amendments and amendments to the committee amendments.

MR. CELLER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CELLER: I think the House should know whether those amendments were approved by the Judiciary Committee.

THE SPEAKER: The gentleman from Pennsylvania [Mr. Walter] will be able to answer that.

MR. CELLER: I have no recollection as chairman of the Judiciary Com-

See §14.4, *infra*, for reporting a motion to suspend the rules and pass a bill with amendments.

mittee, that those amendments were approved by the committee.

THE SPEAKER: The gentleman at least makes a motion to suspend all the rules and pass this bill with amendments, which the Chair thinks is a proper motion.

MR. CELLER: Can that motion be made to suspend the rules and pass the bill with amendments, if those amendments are simply the amendments of the proposer of the bill who makes the motion and not amendments of the committee?

THE SPEAKER: The gentleman from Pennsylvania [Mr. Walter] made the motion to suspend the rules and pass the bill with amendments. The Chair has recognized the gentleman for that purpose.

MR. MICHENER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: I have never known a time when you could maintain a motion of that type. The number of amendments must be specified, not just the general statement "with amendments."

THE SPEAKER: If the gentleman insists, the Clerk will report the bill as amended.

MR. MICHENER: I do not insist, but I should like to know whether there is going to be at least definite amendment or whether it is to be left indefinite.

THE SPEAKER: The Chair would assume that in the 20 minutes allotted to the gentleman from Pennsylvania he would discuss the amendments.

by unanimous consent, new motion to suspend the rules and pass the bill with an amendment was then made; a second was ordered and, after debate, the motion was agreed to.

On May 5, 1958,⁽¹⁹⁾ unfinished business was a motion to suspend the rules, coming over from a previous suspension day, on which a second had been ordered. The motion was withdrawn in order that the motion could be reoffered to pass the same bill but with amendments:

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I ask unanimous consent to vacate proceedings under suspension of the rules held 2 weeks ago on the bill (H.R. 11414) to amend section 314(c) of the Public Health Service Act, so as to authorize the Surgeon General to make certain grants-in-aid for the support of public or nonprofit educational institutions which provide training and services in the fields of public health and in the administration of State and local public health programs.

THE SPEAKER PRO TEMPORE: Is there objection?

There was no objection.

MR. HARRIS: Mr. Speaker, I move to suspend the rules and pass the bill H.R. 11414, with amendments.

The Clerk reported the bill, as amended.

§ 14.3 A motion to suspend the rules having been withdrawn

19. 104 CONG. REC. 8004, 85th Cong. 2d Sess.

Reporting Motion to Suspend Rules and Pass Bill With Amendments

§ 14.4 Where the Chair has recognized for a motion to suspend the rules and pass a bill with amendments, only the title of the bill is normally read by the Clerk, and the amendments are not reported separately, since the suspension procedure waives normal reading requirements; but the Chair may in his discretion, where objection is made to that procedure, require the reading of an amendment which is not printed or otherwise available.

On July 17, 1950,⁽²⁰⁾ a motion to suspend the rules and pass a bill with amendments was offered:

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to facilitate the deportation of aliens from the United States, to provide for the supervision and detention pending eventual deportation of aliens whose deportation cannot be readily effectuated because of reasons beyond the control of the United States, and for other purposes, as amended.

The Clerk then reported the bill by title.

²⁰ 96 CONG. REC. 10448, 10449, 81st Cong. 2d Sess.

Following a parliamentary inquiry, Speaker Sam Rayburn, of Texas, directed the Clerk to report the bill as amended:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: I have never known a time when you could maintain a motion of that type. The number of amendments must be specified, not just the general statement "with amendments."

THE SPEAKER: If the gentleman insists, the Clerk will report the bill as amended.

MR. MICHENER: I do not insist, but I should like to know whether there is going to be at least definite amendment or whether it is to be left indefinite.

THE SPEAKER: The Chair would assume that in the 20 minutes allotted to the gentleman from Pennsylvania he would discuss the amendments.

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, is it in order for me to ask that the amendments be read?

THE SPEAKER: The Clerk will report the bill as amended.

The Speaker indicated, in response to a further parliamentary inquiry, that a separate vote was not in order on amendments brought up under a motion to suspend the rules:

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. EBERHARTER: Will the House have an opportunity to vote separately on the amendments just read? Was that only one amendment that the Clerk read or was it several?

THE SPEAKER: The gentleman from Pennsylvania made a motion to suspend the rules and pass the bill as amended, the amendment being to strike out all after the enacting clause and insert other matter.

MR. EBERHARTER: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. EBERHARTER: May any further amendments be offered now?

THE SPEAKER: No. The gentleman from Pennsylvania [Mr. Walter] is recognized.

§ 14.5 While a motion to suspend the rules and pass a bill with certain amendments is under debate, the amendments may be reread to the House, without consuming part of the time for debate, by unanimous consent.

On Sept. 7, 1959,⁽¹⁾ the House had under debate a motion, offered by Mr. Thomas J. Murray, of Tennessee, to suspend the rules and pass a bill with certain amendments. Mr. H.R. Gross, of Iowa, who had been recognized to demand a second and to control the debate in opposition to the motion, propounded a unanimous-

consent request where Speaker pro tempore Paul J. Kilday, of Texas, indicated that the request would be in order:

Mr. Gross: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. GROSS: Would it be possible to have the amendments offered by the gentleman from Tennessee read, without it coming out of his time?

THE SPEAKER PRO TEMPORE: By unanimous consent that could be done.

MR. GROSS: Mr. Speaker, I ask unanimous consent that the amendments be read at this time.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read as follows: . . .

No Amendments to Motion To Suspend Rules and Pass Bill With Amendments

§ 14.6 Only those amendments included in a motion to suspend the rules and pass a bill are in order to a bill being considered under that procedure, and the Member making that motion may not yield to other Members for further amendment.

On Oct. 18, 1971,⁽²⁾ the Chairman of the Committee on Edu-

1. 105 CONG. REC. 17437, 86th Cong. 1st Sess.

2. 117 CONG. REC. 36507, 36508, 92d Cong. 1st Sess.

cation and Labor offered a motion to suspend the rules and pass a bill with amendments:

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 923) to assure that every needy schoolchild will receive a free or reduced price lunch as required by section 9 of the National School Lunch Act, as amended.

Section 7 of the joint resolution, as amended, authorized the Secretary of Agriculture to transfer funds from a previous act for a new purpose, a provision which would have been subject to a point of order if the joint resolution were not brought up under suspension. Speaker Carl Albert, of Oklahoma, indicated, in response to a parliamentary inquiry, that an amendment offered from the floor to delete that provision would not be in order, and that only amendments included in the motion to suspend the rules were in order:

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, my parliamentary inquiry is that inasmuch as section 7 of this House Joint Resolution 923 would under normal circumstances and methods of consideration obviously be subject to a point of order because it involves a transfer of funds in an authorization bill, at what point under the motion to suspend the rules could such a point of order be offered?

THE SPEAKER: The Chair will state to the gentleman from Missouri that

the motion made by the gentleman from Kentucky (Mr. Perkins), itself calls for a suspension of the rules, which means all the rules, and, therefore, there would be no point in the consideration of the joint resolution under a suspension of the rules to make that point of order.

MR. HALL: Mr. Speaker, a further parliamentary inquiry. Does the Chair mean to inform the Members of the House that the only way that we could get redress and relief from what would otherwise be a point of order, would be if the committee moved to suspend the rules and pass the bill with an amendment deleting that section?

THE SPEAKER: The Chair will advise the gentleman from Missouri that the joint resolution comes to the floor under a motion to suspend the rules and pass it with amendments. The amendments will be under consideration, but only the amendments which are embraced in the motion made by the gentleman from Kentucky are in order.

MR. HALL: Therefore, if this motion passes and we do suspend the rules, unless the gentleman making the motion yielded for the purpose of an amendment there would be no way to seek relief?

THE SPEAKER: The Chair will inform the gentleman from Missouri that the gentleman who is making the motion to suspend the rules and pass this joint resolution cannot yield for the purpose of further amendment.

§ 14.7 Where a bill and designated amendments thereto are being considered under a motion to suspend the rules

and pass the bill, as amended, further amendments from the floor are not in order, and the Speaker will not entertain a unanimous-consent request to permit floor amendments to be offered.

On Feb. 7, 1972,⁽³⁾ Speaker Carl Albert, of Oklahoma, stated, in response to parliamentary inquiries, that floor amendments could not be offered to a bill brought up, as amended, under a motion to suspend the rules, even by unanimous consent:

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GROSS: The bill, as I understand it, is brought up under suspension of the rules and therefore is not subject to amendment. Is that correct?

THE SPEAKER: The gentleman is correct.

MR. GROSS: Then, in its present form, it cannot be amended.

THE SPEAKER: The gentleman to qualify, must be opposed to the bill.

MR. GROSS: Mr. Speaker, I am opposed to it without reservation.

THE SPEAKER: The gentleman from Iowa (Mr. Gross), is recognized.

MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WILLIAMS: Is it possible to amend a bill that is brought up under suspension of the rules by unanimous consent?

THE SPEAKER: It is not possible to amend by unanimous consent if the bill is brought up under suspension of the rules.

MR. WILLIAMS: It is not possible.

THE SPEAKER: The Chair will not recognize a Member for that purpose.

Floor Amendments Not in Order

§ 14.8 Amendments from the floor are not in order to propositions being considered under suspension of the rules.

On Dec. 21, 1973,⁽⁴⁾ Speaker Carl Albert, of Oklahoma, answered an inquiry on offering amendments to a resolution being offered under a motion to suspend the rules (pending a demand for a second on the motion):

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, if the rules are suspended, will then amendments be in order to the bill on which it is proposed to suspend the rules and consider?

THE SPEAKER: The suspension of the rules, as the gentleman knows, means that all rules are suspended. The resolution itself orders the action which the House will take.

Speaker Albert answered a similar inquiry, pending a motion

3. 118 CONG. REC. 2882, 92d Cong. 2d Sess.

4. 119 CONG. REC. 43262, 93d Cong. 1st Sess.

to suspend the rules and pass a bill, on Mar. 20, 1972:⁽⁵⁾

MR. [PHILLIP M.] LANDRUM [of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LANDRUM: Under the rules of suspension, is an amendment in order to change the effective date of this from the last Sunday in April?

THE SPEAKER: No amendment is in order under the suspension rule.

Another inquiry was answered on Apr. 17, 1972:⁽⁶⁾

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The gentleman will state it.

MR. HALL: Mr. Speaker, I would inquire of the gentleman who brings the bill to the floor from our Committee on Foreign Affairs whether or not it would be his intent to yield for the purpose of an amendment.

Mr. Speaker, I am well aware of the rules of the House wherein the gentleman would sacrifice control of the remaining time if he did yield for such an amendment, but I am also aware of the tradition and precedents of the House wherein we customarily strike the whereases and even the nonappropriate resolves, so I merely make that inquiry of the gentleman from New York.

5. 118 CONG. REC. 8989, 92d Cong. 2d Sess.

6. *Id.* at p. 12931.

7. Chet Holifield (Calif.).

MR. [BENJAMIN S.] ROSENTHAL [of New York]: I believe the parliamentary inquiry would have to be answered by the Chair rather than by myself.

MR. HALL: The gentleman is correct, of course. Mr. Speaker, would it be in order for the Chair to recognize other than the leadership handling the bill on the floor under these circumstances for the purpose of an appropriate amendment?

THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman from Missouri that no amendments can be offered when the House is considering a bill under suspension of the rules.

On May 25, 1946, President Truman addressed a joint session of Congress relative to a national rail strike, and recommended the passage of urgent legislation to settle the strike (to, among other purposes, draft railroad employees into the armed services). Following the dissolution of the joint session, the legislation recommended by the President was brought up under a motion to suspend the rules, and Speaker Sam Rayburn, of Texas, indicated the motion was not subject to amendment:⁽⁸⁾

THE SPEAKER: The Chair recognizes the gentleman from Massachusetts [Mr. McCormack].

MR. [JOHN W.] MCCORMACK: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6578) to provide

8. 92 CONG. REC. 5754, 79th Cong. 2d Sess.

on a temporary basis during the present period of emergency for the prompt settlement of industrial disputes vitally affecting the national economy in the transition from war to peace.

The Clerk read the title of the bill.

MR. [RALPH E.] CHURCH [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CHURCH: Is it not possible now before the bill is presented that we take at least 10 minutes to read it? This bill is 6 pages long and will not be subject to amendment, as I understand the procedure under suspension of the rules. The bill as drafted only came before us a few moments ago. Some of us have been able to prevail upon the gentleman from Massachusetts to amend section 10 so that the following words are added "or upon the date (prior to the date of such proclamation) of the passage of the concurrent resolution of the two Houses of Congress stating that such provisions and amendments shall cease to be effective."

There may be other acceptable amendments that should be included in the bill before it is offered, since it cannot be amended under the parliamentary situation we find ourselves in.

THE SPEAKER: There will be 40 minutes in which Members may familiarize themselves with the bill and it will be followed by a reading of the bill also.

MR. CHURCH: A further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CHURCH: Do I understand that the bill is not subject to amendment?

THE SPEAKER: Not under a suspension of the rules.

§ 14.9 A motion to suspend the rules and concur in a Senate amendment to a House bill is not subject to amendment (to concur in the Senate amendment with an amendment).

On July 27, 1946,⁽⁹⁾ Speaker Sam Rayburn, of Texas, recognized a Member to offer a motion to suspend the rules relating to a House bill with a Senate amendment on the Speaker's table:

MR. [HATTON W.] SUMNERS of Texas: Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the joint resolution (H.J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles.

A second was demanded and considered as ordered, and the Speaker then ruled that the motion was not subject to amendment:

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I offer an amendment.

THE SPEAKER: No amendment is in order.

MR. HOBBS: Mr. Speaker, I move to concur in the Senate amendment with an amendment.

9. 92 CONG. REC. 10310, 79th Cong. 2d Sess.

THE SPEAKER: That motion is not in order.

MR. HOBBS: Mr. Speaker, I have an agreement with the gentleman from Texas that I would be permitted to offer an amendment to the Senate amendment.

THE SPEAKER: The Chair knows nothing about that agreement. An amendment to this motion is not in order.

§ 14.10 The Speaker stated in response to a parliamentary inquiry, after recognizing a Member for unanimous consent to consider a bill, that if any amendments were to be offered he would ask that the bill be withdrawn and that a motion to suspend the rules and pass the bill be offered, because of the vital importance that the bill pass immediately and without amendment.

On July 5, 1943,⁽¹⁰⁾ Speaker Sam Rayburn, of Texas, recognized Mr. John D. Dingell, of Michigan, to ask unanimous consent for the immediate consideration of S. 35, to authorize the use for war purposes of silver held or owned by the United States. In explanation of the request, Mr. Dingell stated that it was essential, for the conduct of the war,

that the bill be passed without amendment as soon as possible, to avoid disagreement with the Senate and have the bill enacted into law.

The Speaker, in response to a parliamentary inquiry, indicated he would use his power of recognition to assure the bill pass without amendment:

MR. [FREDERICK C.] SMITH of Ohio: Will the gentleman yield for a parliamentary inquiry?

MR. DINGELL: I yield to the gentleman.

MR. SMITH of Ohio: Mr. Speaker, parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Ohio: It is my understanding this bill will be read and will be subject to amendment, providing there is no objection to its consideration under the unanimous-consent request.

THE SPEAKER: The gentleman is correct, it would be subject to amendment, but the Chair is going to be very frank with the gentleman. If there are going to be amendments offered to this bill the Chair will request the gentleman from Michigan to withdraw his request, and then the Chair will recognize the gentleman from Michigan to move to suspend the rules and pass the bill. The Chair thinks it vitally important that this bill pass immediately, and he thinks it should be passed without amendment. The Chair will accept the responsibility if it is put up to the Chair.

10. 89 CONG. REC. 7213, 7214, 78th Cong. 1st Sess.

Pro Forma Amendments Not in Order**§ 14.11 Pro forma amendments are not in order when a bill is being considered under suspension of the rules.**

On Sept. 7, 1959,⁽¹¹⁾ a motion to suspend the rules and pass a bill with amendments was under debate, Mr. Thomas J. Murray, of Tennessee, controlling the time in favor of the motion and Mr. H. R. Gross, of Iowa, controlling the time in opposition. Speaker pro tempore Paul J. Kilday, of Texas, stated that “pro forma” amendments would not be in order:

MR. [CLARK E.] HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN of Michigan: Mr. Speaker, the parliamentary inquiry is, Is it permissible now under the situation which has developed to move to strike out the last word?

THE SPEAKER PRO TEMPORE: No, it is not. The time is under the control of the gentleman from Tennessee and the gentleman from Iowa.

Motion to Strike Enacting Clause Not in Order**§ 14.12 Since the motion to suspend the rules and pass a bill**

11. 105 CONG. REC. 18438, 86th Cong. 1st Sess.

is not subject to amendment, a motion to strike out the enacting clause, in effect a preferential amendment, is not in order.

On June 15, 1959,⁽¹²⁾ the House had under debate a motion to suspend the rules and pass H.R. 7650. Speaker pro tempore Clark W. Thompson, of Texas, ruled that a preferential motion to strike out the enacting clause (to obtain time for debate) was not in order:

MR. [BYRON G.] ROGERS of Colorado: Mr. Speaker, I move to strike out the enacting clause of H.R. 7650.

THE SPEAKER PRO TEMPORE: That privilege is not available when a bill is being considered under suspension of the rules.

MR. ROGERS of Colorado: Mr. Speaker, is there any way that a Member of the House of Representatives can speak on H.R. 7650 before the matter is put to a vote?

THE SPEAKER PRO TEMPORE: Only if the gentlewoman from Massachusetts chooses to yield time to the gentleman.

Speaker Sam Rayburn, of Texas, delivered a similar ruling on Aug. 5, 1957:⁽¹³⁾

MR. ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

12. 105 CONG. REC. 10810, 86th Cong. 1st Sess.

13. 103 CONG. REC. 13648, 85th Cong. 1st Sess.

MR. ROGERS of Colorado: Mr. Speaker, is a motion to strike out the enacting clause in order at this time?

THE SPEAKER: A motion to strike out the enacting clause is not in order under a motion to suspend the rules.

§ 15. Voting on the Motion

Rule XXVII clause 1⁽¹⁴⁾ requires that a motion to suspend the rules be adopted by a “vote of two-thirds of the Members voting, a quorum being present.”⁽¹⁵⁾ As in-

14. *House Rules and Manual* §902 (1979). Clause 3(b) of Rule XXVII was added on Apr. 9, 1974 (H. Res. 998, 93d Cong. 2d Sess.) to authorize the Speaker to postpone, until the conclusion of debate on all motions to suspend the rules on one legislative day, votes on such motions on which recorded votes or the yeas and nays have been ordered, or the vote objected to under Rule XV clause 4; and to reduce, after the first postponed vote, to five minutes the time for voting (by electronic device) on each other postponed vote on that day. In the 97th Congress, references in Rule XXVII clause 3 to postponement of votes on suspensions were deleted and were transferred to Rule I clause 5(b)(1) to be consolidated with all authorities of the Speaker on postponing rollcall votes for up to two legislative days.

15. Two-thirds of those Members present and voting is construed as two-thirds of Members present and voting for or against the motion (votes of “present” are discounted).

indicated in § 12, *supra*, the motion must first be seconded (if a second is demanded and not considered as ordered) by a majority vote before the motion may be considered.

The Speaker has voted on a motion to suspend the rules, to ensure the adoption of the motion.⁽¹⁶⁾ Although a motion to suspend the rules may be used to pass a bill with amendments, or to pass measure which would ordinarily be divisible for a separate vote, a separate vote is not in order on a motion to suspend the rules, and the motion as offered must be voted on in its entirety.⁽¹⁷⁾

If a motion to suspend the rules and pass a proposition is rejected, the same or a similar proposition may be brought up under suspension of the rules, or pursuant to a special order from the Committee on Rules.⁽¹⁸⁾

That requirement is identical to the requirement for adopting a proposed amendment to the Constitution under article V of the U.S. Constitution (see *House Rules and Manual* 190 [1979]) and thus such a proposed amendment may be adopted under a motion to suspend the rules (see § 15.2, *infra*).

16. See §§ 15.3, 15.4, *infra*.

17. See §§ 15.5, 15.6, *infra*.

18. See §§ 15.7, 15.8, *infra*.